



## **APPENDIX - C**

### **FAIR OPPORTUNITY PROCEDURES FOR MULTIPLE AWARD IDIQ CONTRACTS**

#### **WHO MAY ORDER FROM THE CONTRACT:**

The following identified personnel are authorized to issue contract Task Orders under this contract.

1. The Contracting Officer for this contract and other authorized Contracting Officers within the General Services Administration's eleven (11) Regional Offices.

#### **PROCEDURES FOR ORDERING FROM THE CONTRACT:**

Multiple awards of this master contract have been made.

The Ordering Official shall be mindful of the requirement that all multiple award contractors shall be provided a fair opportunity to be considered for each order placed under this contract in excess of \$2,500.00, unless the Contracting Officer determines:

- (a) The agency's need for the supplies or services is of such urgency that providing such opportunity to all such Contractors would result in unacceptable delays.
- (b) Only one such Contractor is capable of providing services or supplies at the level of quality required because the services or supplies ordered are unique or highly specialized.
- (c) The task or Task Order should be issued on a sole source basis, in the interest or economy or efficiency, because it is a logical follow-on to an order already issued under the contract (provided that all awardees were given a fair opportunity pursuant to the procedures in this clause to be considered for the original order); or
- (d) It is necessary to place an order to satisfy a minimum guarantee.

Unless the procedures identified above are used for awarding individual orders, multiple award Contractors will be provided a fair opportunity to be considered for each order using the procedures outlined below.



A decision not to respond to the requirement by any of the firms shall not be interpreted as a standard practice from the Firm and is not to be used as an excuse for not considering or contacting them on any future requirements.

The selection factors for an individual order will be determined by the ordering official at the time the requirement is identified, but should consider factors such as past performance on prior task orders, quality of deliverables/services, prices and availability will be considered in determining award of the individual task orders. Individual task orders may also contain incentive clauses providing for payment of additional fixed-fees where pre-determined performance measures are established.

### **Fair Opportunity Requirements**

FAR 16.505(b)(1)(i) require the Government to provide each awardee a fair opportunity to be considered for each order exceeding \$2,500 issued under multiple delivery-order contracts or multiple task-order contracts.

- **For orders estimated to cost under the \$2,500 threshold, the Ordering Contracting Officer may go to their firm of choice.**
- **For orders estimated to cost between \$2,500.00 and \$25,000, the Ordering Contracting Officer will generally set such orders aside for award to small business firms.** The competition process will provide for consideration to be given to each of the Small Business awardees. However, the Government reserves the right to direct award of task orders based on the criteria identified above. The Ordering Contracting Officer will attain consideration through the competition of the evaluation form.
- **For orders estimated to cost between \$25,000.01 and \$100,000, the Ordering Contracting Officer will generally set such orders aside for award to small business firms.** The competition process will provide for consideration to be given to each of the Small Business awardees. However, the Government reserves the right to direct award of task orders based on the criteria identified above. The Ordering Contracting Officer shall submit a request for interest to each of the multiple-award SB Contractors. The request for interest will include the general scope, nature, complexity, purpose of the services required, and the criteria that will be used to judge the technical competency of each of the firms meeting the requirement addressed.

Interested firms will respond, within the time frame specified by the Ordering Contracting Officer with a letter of interest. The letter of interest must include a brief overview of the firms qualifications tailored around the evaluation criteria elements identified by the Ordering Contracting Officer. The letter of interest will serve as a basis for the technical review performed by the Ordering Contracting Officer.



- **For orders exceeding \$100,000**, the Ordering Contracting Officer shall submit a formal Request for Proposals and all supporting documentation to each of the multiple-award contractors. The request will include the Statement of Work for the services required, and the evaluation criteria that will be used to judge the technical competency of each of the firms meeting the specific requirement addressed.

The Contractor(s) will then submit, within a time frame specified by the ordering CO, a technical proposal and priced proposal. The Technical proposal will include a general overview of the firm's qualifications and the Contractor's planned approach at meeting the requirements. The technical proposal must be tailored around the evaluation criteria identified in the Request for Technical Proposal.

The COR shall evaluate all technical proposals, including the Contractor's planned approach and the technical criteria stated in the Requests.

Subsequent to evaluation of the Contractor's responses, the ordering CO will determine who is the most technically qualified firm for a specific task order. Unsuccessful offerors will be notified.

**Task Order Ombudsman:** For this contract, the designated Task Order ombudsman is George Barclay, Acting Task and Delivery Order Ombudsman (V), 202-501-1043. The Task Order ombudsman is responsible for reviewing complaints from multiple award Contractors and ensuring that all of the Contractors are afforded a fair opportunity to be considered for Task Orders in excess of \$2,500, consistent with the procedures in the contract. However, it is not within the designated Task Order contact ombudsman's authority to prevent the issuance of an order or disturb an existing order.



**Guidelines for Determination of Most Technically Qualified Firm**

FAR 16.505(b)(1)(i) requires the contracting officer to provide each awardee a fair opportunity to be considered for each order exceeding \$2,500 issued under multiple delivery-order contracts or multiple task-order contracts. The only exceptions to this requirement are those stated in FAR 16.505(b)(2).

In order to comply with the intent of the fair opportunity requirements, and the subsequent clauses ((FAR 16.505(b)(1)(ii & iii)) that state (1) The Contracting Officer may exercise broad discretion in developing appropriate order placement procedures, (2) The Contracting Officer should keep submission requirements at a minimum, (3) The ordering procedures may be streamlined, (4) Each awardee should be given fair consideration prior to placing each order over the \$2,500 threshold, and (5) Formal evaluation plans or scoring of technical proposals need not be accomplished, the selection of the most technically qualified firm, for orders estimated to cost from \$2,500 to \$25,000 will be based on the following:

- A. Is this requirement excepted from the fair opportunity regulations (See FAR 16.505(b)(2))? Yes \_\_\_\_\_ No \_\_\_\_\_

If Yes, please explain, and then sign and date form. If no, please complete B through D.

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- B. Have you considered the specialized experience of each of the interested firms? Yes \_\_\_\_\_ No \_\_\_\_\_.

- C. Have you assessed the technical qualifications and availability of resources submitted by each of the interested firms? Yes \_\_\_\_\_ No \_\_\_\_\_.

- D. Did you select the most technically qualified firm based upon your review, and after selection, were you able to negotiate a fair and reasonable level of effort with that firm? Yes \_\_\_\_\_ No \_\_\_\_\_

If B, C or D was no, please explain.

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The Seven (7) firms to be considered for each order are:

- (1) Everton Oglesby Architects, PLLC (Small Business)
- (2) Setty and Associates (Small Business)
- (3) M.E. Group (Small Business)
- (4) DMJM H&N, Inc. (Large Business)
- (5) Leo A. Daly (Large Business)
- (6) Carter & Burgess, Inc. (Large Business)
- (7) Jacobs Facilities, Inc. (Large Business)

Using the above stated factors, you have determined the most technically qualified firm to meet your requirement. This will be sufficient to document your firms for the decision you made in selecting a firm.

Signature \_\_\_\_\_

Date \_\_\_\_\_

**NOTE: For orders estimated to cost between \$2,500.00 and \$25,000, the Ordering Contracting Officer will generally set such orders aside for award to small business firms.**



**Guidelines for Determination of Most Technically Qualified Firm**

FAR 16.505(b)(1)(i) requires the contracting officer to provide each awardee a fair opportunity to be considered for each order exceeding \$2,500 issued under multiple delivery-order contracts or multiple task-order contracts. The only exceptions to this requirement are those stated in FAR 16.505(b)(2).

In order to comply with the intent of the fair opportunity requirements, and in accordance with FAR 16.505(b)(1)(ii & iii) which state: "The Contracting Officer may exercise broad discretion in developing appropriate order placement procedures. The Contracting Officer should keep submission requirements at a minimum. Contracting Officers may use streamlined procedures, including oral presentations. In addition, the Contracting Officer need not contact each of the multiple awardees under the contract before selecting an order awardee if the contracting officer has information available to ensure that each awardee is provided a fair opportunity to be considered for each order. The competition requirements in Part 6 (Competition Requirements) and the policies in Subpart 15.3 (Source Selection) do not apply to the ordering process."

**The selection of the most technically qualified firm, for orders estimated to cost from \$25,000.01 to \$100,000 will be based on the following:**

- A. Is this requirement excepted from the fair opportunity regulations (See FAR 16.505(b)(2))? Yes \_\_\_\_\_ No \_\_\_\_\_

If Yes, please explain, and then sign and date form. If no, please complete B through E.

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- B. Have you considered the specialized experience of each of the firms? Yes \_\_\_\_\_ No \_\_\_\_\_.

- C. Have you assessed the technical qualifications and availability of resources submitted by each of the interested firms? Yes \_\_\_\_\_ No \_\_\_\_\_.

- D. Did you consider the proposed approach by each of the firms in making your determination of the most highly qualified firm? Yes \_\_\_\_\_ No \_\_\_\_\_.



- E. Did you select the most technically qualified firm based upon your review, and after selection, were you able to negotiate a fair and reasonable level of effort with that firm? Yes \_\_\_\_\_ No \_\_\_\_\_

If B, C, D or E was no, please explain.

The Seven (7) firms to be considered for each order are:

- (1) Everton Oglesby Architects, PLLC (Small Business)
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Using the above stated factors, you have determined the most technically qualified firm to meet your requirement. This will be sufficient to document your firms for the decision you made in selecting a firm.

Signature \_\_\_\_\_

Date \_\_\_\_\_

**NOTE:** For orders estimated to cost between \$25,000.01 and \$100,000, the Ordering Contracting Officer will generally set such orders aside for award to small business firms.

